

PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>Applicant:</b> GEORG BALJER et al.	<b>Examiner:</b> JENNIFER GRASER
<b>Serial No.:</b> 10/009,059	<b>Group Art Unit:</b> 1645
<b>Filed:</b> February 28, 2002	
<b>For:</b> RECOMBINANT FUSION PROTEIN, (VACCINE) COMPOSITION CONTAINING THE SAME AND METHOD FOR THE PRODUCTION THEREOF	<b>Docket No.</b> 20740-242738

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*Karen Hull*  
Karen Hull

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1. Response To Restriction Requirement (2 pages)

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Respectfully Submitted,

GEORG BALJER et al.

Dated: January 16, 2004

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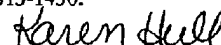
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**RESPONSE TO RESTRICTION REQUIREMENT**

This communication is responsive to the Restriction Requirement mailed December 22, 2003, in which all pending claims 1-31 were subject to restriction. In particular, the position was taken that the application includes claims directed to three inventions. The Examiner stated that Group I, claims 1-16, are drawn to recombinant fusion proteins and vaccines comprising said fusion protein; Group II, claims 17-28, drawn to DNA, plasmids and recombinant host cells; and Group III, claims 29-31, drawn to a method for producing hybridomas.

By this response, Applicants elect Group I, claims 1-16, for further prosecution in this application. This election is made with traverse.

In the present paper, the Examiner maintained that the claimed inventions of Groups I-III are biologically, chemically and structurally different products that are patentably distinct and independent from one another. Applicants submit that this assertion by the Examiner alone is not sufficient to require the Applicants to bear the burden of prosecuting three patent applications for the claimed subject matter. Applicants submit that a search of

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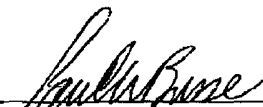
the claimed subject matter together would not place an undue burden on the Examiner.  
Reconsideration and withdrawal of the present restriction requirement is requested.

Examination of the application is requested. No fee is believed to be necessary in connection with this response. Should an extension of time, or any fee be required, Applicants request that this action be undertaken and our Deposit Account No. 06-0029 be charged for the fee. The Commissioner is authorized to charge our Deposit Account No. 06-0029 and is requested to notify us of the same.

Respectfully Submitted,

GEORG BALJER et al.

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